

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN TOWER CORPORATION,

Plaintiff

v.

FRED A. NUDD CORPORATION,  
GRANITE STATE INSURANCE  
COMPANY, and UNDERHILL  
CONSULTING ENGINEER, P.C.

Defendants.

v.

UNDERHILL CONSULTING  
ENGINEER, P.C.

Third Party Defendant

Civil Action No. 03-12469-JLT

JOINT STATUS REPORT ON SETTLEMENT EFFORTS

Pursuant to order of this Court dated November 2, 2004, the parties American Tower Corporation ("ATC"), Fred A. Nudd Corp. ("Nudd") and Underhill Consulting Engineer, P.C. ("Underhill") hereby file this status report.<sup>1</sup>

As reported to the Court at the Rule 16 initial scheduling conference on November 1, 2004, the parties to this case are actively involved in settlement discussions. A global mediation of this case, as well as two other related cases against Nudd and Underhill involving similar

<sup>1</sup> The remaining party, Granite State Insurance Company ("Granite State"), does not join in this submittal. The claims against Granite State have been severed and stayed by order of this Court, and Granite State did not attend the initial Rule 16 conference.

issues, was held on October 25, 2004 in Rochester, New York. That mediation resulted in the basis of an agreement the details of which are still being negotiated.

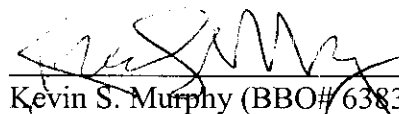
The parties hereto have been actively negotiating the details of such an agreement since that time, and various proposals have been traded back and forth over the past several weeks. The negotiations have taken longer than anticipated, but the areas of disagreement have narrowed, and the parties are still hopeful that a final agreement can be reached.

It is important to at least some of the parties to consummate a deal, if there is to be one, by the end of this year. The parties currently expect that the settlement being discussed will thus either be finalized by the end of the year, or will fail to materialize. If the Court wishes, the parties will be happy to file another status report on settlement in the first two weeks of January 2005.

Despite the ongoing negotiations, the plaintiff is obliged by this Court's order to file an Amended Complaint asserting direct claims against Third Party Defendant Underhill by December 1, 2004, and herewith files that Amended Complaint and serves all parties.

AMERICAN TOWER CORPORATION

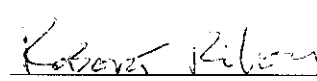
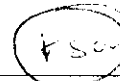
By its attorneys,



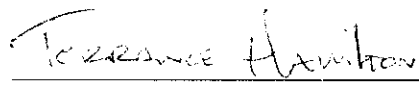

Kevin S. Murphy (BBO# 638335)  
Matthew C. Welnicki (BBO# 647104)  
YURKO & SALVESEN, P.C.  
One Washington Mall, 11<sup>th</sup> Flr.  
Boston, MA 02108-2603  
(617) 723-6900

FRED A. NUDD CORPORATION

By its attorneys,

   
Robert E. Riley (BBO# 420660)  
VENA, RILEY, DEPTULA LLP  
250 Summer Street  
Boston, MA 02210  
(617) 951-2400

UNDERHILL CONSULTING ENGINEER, P.C.

   
Terrance J. Hamilton (BBO# 218980)  
CASNER & EDWARDS, LLP  
303 Congress Street  
Boston, MA 02210  
(617) 426-5900

Date: December 1, 2004